IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:03CV260-03-MU

ANTHONY CALDWELL,)	
Plaintiff,)	
v.)	
LANDING C. CORPENING, et. al.,)	ORDER
Defendants.)	
)	

THIS MATTER is before this Court on Defendants' Motion for Summary Judgment, filed January 31, 2005 (Document Nu. 15.)

On February 14, 2005 this Court sent the Plaintiff an Order in compliance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). In this Order, the Court notified the Plaintiff that the Defendants had filed a Motion for Summary Judgment and that if the Plaintiff failed to respond to this motion within thirty days, the Court may grant the Motion for Summary Judgment. Plaintiff's deadline for filing a response has long since expired and Plaintiff has failed to respond to the Defendant's Motion.

The Court has carefully reviewed the Motion for Summary Judgment and finds that for the reasons set forth therein the Defendants are entitled to a dismissal.

THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment is **GRANTED**, and Petitioner's Complaint is **DISMISSED**.

Signed: November 15, 2005

Graham C. Mullen Chief United States District Judge